

**ON OCTOBER 28, 2015 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.**

**Members Present:** Ralph Ballard, Paul Farthing, Ryan Cashin, Bill Wilkey, Yovonda Hall, and Bob Petersen

**Members Excused:** John Johnson and Branden Anderson

**Staff Present:** Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Attorney Fay Reber, and City Council Representative Pam Humphries

The meeting was called to order by Chairman Cashin at 6:00 p.m. The Pledge of Allegiance was led by Paul Farthing and Ralph Ballard offered the prayer. Roll call was taken.

**Approval of agenda:** Paul Farthing motioned to approve the October 28, 2015 agenda as posted. Yovonda Hall seconded the motion. Motion carried with all Commissioners voting aye.

Chairman Cashin opened the public hearing at 6:03 p.m. to take comments on the following zone change and General Plan Amendment:

Toni Foran clarified there are two items on the agenda for a Public Hearing. The first one is a zone change request for 5.47 acres on 700 West to change from RA-1 to RA-.5. The other item is a general plan amendment in a different part of town located in the Sage Point subdivision where the City is proposing to change the General Plan from multi-family to single family density. She stated they are two separate items and neither one proposes to add more multi-family.

**1. On a 5.47 acre parcel at approximately 1160 South 700 West from RA-1, from Residential Agriculture one acre, to RA-.5, Residential Agriculture half acre**

Darren LeFevre, representative from Pro Value Engineering, stated his client asked for a zone change from the existing RA-1. He mentioned just like it reads in the staff comments, the change is in harmony with the General Plan. He stated there is a subdivision to the west of this parcel and another subdivision within a close vicinity that has the same zoning as what is being requested. He stated he doesn't know where the confusion came from but they are not requesting a multi-family zone.

Carolynn Arscott stated she is a neighbor to the west. She and her husband are concerned with the property being developed. She asked if the drainage issues had been fixed. She explained they share a common wall with the LDS Church and there is draining issues causing the wall to crumble. She expressed the need to make sure the drainage issues have been resolved and the soil is stable before anything is built. Chairman Cashin explained the application is for a zone change only. The applicant has not submitted any building plans. He stated when development drawings are submitted the drainage is something the Commissioners consider. He stated it will be looked at during that time. Mr. LeFevre stated they have done some preliminary drainage designs on this parcel and what they are proposing is to bring the existing drainage to the proposed road and over to 700 West which has storm drains. They will tie into 700 West with curb and gutter. Chairman Cashin stated it will be reviewed to make sure it is adequate. Ms. Arscott stated she thinks there is an irrigation ditch at the back of the LDS Church property that drains from the surrounding homes. She stated her concern is the stability of the ground with the added development.

Jason Ballard, neighbor, stated he heard about this request from the paper but the sign on the property states 4 units per acre. He asked which one was correct. Chairman Cashin explained the sign had both Public Hearings listed on it. He stated that is what was discussed at the beginning of the hearing and the 4 per acre is a separate item.

**2. And on a proposed General Plan Amendment to change all of Sage Point Subdivision Phases 1 and 2 from Multi-Residential Types to Single Family up to 4 units per acre to bring the General Plan more in keeping with the actual development**

Commissioners discussed maps showing area that is affected. Toni Foran stated she thought about changing Mesa View subdivision too but it wasn't discussed so she only included Sage Point 1 and 2. She explained this amendment is to bring the General Plan in conformance with the actual development.

No comments from the public.

The Public Hearing closed at 6:15 p.m. and the Public Meeting began.

**2015-ZC-09 Consideration and possible recommendation to the City Council for a zone change on 5.47 acres located at approximately 1160 South 700 West from Residential Agriculture one acre, to RA-.5, Residential Agriculture half acre – Lawrence Hinton applicant; ProValue Engineering agent**

Chairman Cashin commented he thinks it fits into the area nicely. *Bob Petersen motioned to recommend approval of application 2015-ZC-09 to the City Council based on the following findings; 1. The proposed amendment is compatible with the goals and policies of the general plan: by locating higher density next to the collector roads and school. 2. The proposed amendment is slightly out of character with existing development in the immediate vicinity but there is RA-.5 zoning directly northeast of this property and directly to the east and the west of this property 3. Public facilities and services are adequate to serve the subject property but are not connected. Paul Farthing seconded the motion. The vote was as follows; Ralph Ballard-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Bill Wilkey-Aye, Yovonda Hall-Aye, and Bob Petersen-Aye. Motion carried.*

**2015-CUP-14 Consideration and possible approval of a Conditional Use Permit for an Assisted Living Facility in an RA-1 zone located at approximately 3340 W 290 North – Stratton Brothers applicant**

Mike Madsen stated they are applying for this conditional use permit so they can construct a sixty four bed assisted living facility. He mentioned he needs to talk to the other applicant who is proposing an assisted living facility because there isn't a need for two. Bob Petersen asked if the theme would be similar to Sterling Court. Mr. Madsen stated yes. He stated there will be memory care units as well as assisted living. Chairman Cashin stated it is a good buffer between the commercial and the residential to the north. He doesn't think there would be any negative impacts. *Yovonda Hall motioned to approve application 2015-CUP-14 based on the staff findings; 1. The proposed use is in keeping with the General Plan and Land Use Code. 2. The facility will not have negative effects on surrounding properties 3. The facility will have a positive economic impact on the area and surrounding properties. 4. The proposed building will have a positive aesthetic effect on surrounding properties. 5. Applicant's proposed use is a positive effect on the health, safety, and welfare of the community. Approval is subject to a final site plan approval and a building permit must be obtained before any work starts on the building and a subdivision plat amendment for the Wal-Mart Subdivision is completed before occupancy of the building. Paul Farthing seconded the motion. The vote was as follows; Ralph Ballard-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Bill Wilkey-Aye, Yovonda Hall-Aye, and Bob Petersen-Aye. Motion carried.*

**2015-GPA-01 Consideration and possible recommendation to the City Council on a General Plan amendment change all of Sage Point Subdivision Phases 1 and 2 from Multi-Residential Types to Single Family up to 4 units per acre to bring the General Plan more in keeping with the actual development – City initiated**

Chairman Cashin explained this application is a housekeeping issue. Ralph Ballard asked what the surrounding properties are zoned. Toni Foran stated it varies from R1-10 to MH/RV. She stated Commissioners need to decide if they want to go back and advertise for other areas such as Mesa View, a couple homes in Green Acres, and some lots that are metes and bounds. She stated all that was directed was Sage Point but the General Plan has to be updated before the zoning can be changed. Commissioners discussed the colored map; all the brown

area is zoned mobile home. Ms. Foran stated there are mobile homes but there are houses too. Chairman Cashin stated he is not opposed to expanding the amendment to include all areas. Ms. Foran stated they could include all lots with single family homes but not the ones with mobile homes. Chairman Cashin stated he would rather do it all at once rather than spot zone. Ms. Foran stated she would have to do a size analysis to make sure the lot sizes average out to the required amount but she thinks it will work. Commissioners discussed moving forward with this application or tabling it until all the lots can be changed at the same time. Ms. Foran stated she will talk to legal counsel to make sure it is ok to pull certain lots out of a subdivision for a zone change. Mr. Ballard stated most lots will fit into the single family zoning. Ms. Foran explained it isn't the lot size, it is the use that is on the lot. She stated if they changed the zone on a lot where a mobile home is located then the mobile home would become legal non-forming, which means the owners couldn't make any change to the structure. She stated there are logical areas to include and not do spot zoning. It was discussed what lots would be affected and if it would be beneficial to wait. Mr. Ballard stated he thinks they should continue with what was advertised otherwise it will create spotty zoning. Chairman Cashin stated he thinks some of the lots will want to do spot zoning if they aren't included in this overall change. Yovonda Hall stated some owners might want to change so they have more options. She asked if there was a general plan option that allowed single family and mobile home. Ms. Foran stated it is now multi family, etc. but there is not one that says single family and other types. Ms. Hall stated she doesn't want to do polka dot zoning. Ms. Foran stated she doesn't want to either but there is a line that could be followed. Commissioners discussed advertising cost. Ms. Hall asked what direction would be easier to advertise and change. Staff stated it would be about the same either way. *Yovonda Hall motioned to table application 2015-GPA-01 until all properties have been advertised. Paul Farthing seconded the motion. The vote was as follows; Ralph Ballard-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Bill Wilkey-Aye, Yovonda Hall-Aye, and Bob Petersen-Aye. Motion carried.*

**2015-PSP-05 Consideration and possible approval of a preliminary site plan for an assisted living center to be located in a PDO at approximately 2190 West 100 North –SR9 Assisted Living Holdings applicant; agent Charles Hammon**

Charles Hammon stated he is excited to discuss development on the other end of 2170 West. He believes an assisted living center in this area is perfect. He stated he likes the comments from the previous application because they apply here as well. He stated it is a good buffer zone from SR-9 to the proposed apartment complex towards 600 North. He feels it is a great addition to community and in a perfect location. He mentioned the property slopes a lot from 100 North to the north and they feel they handled it well. Bob Petersen stated the last applicant did a study that showed there isn't a market for two facilities in the area. Mr. Hammon stated they did study as well and it showed a lot of the same results. He stated there is the possibility of not having a need for two facilities. He discussed teaming up with the other applicant but he is leaving that open for his client to discuss further. Mr. Hammon mentioned their research showed slightly fewer beds are needed. He stated they feel like they are ahead of the curve in terms of planning. They have put a lot of thought into the preliminary site plan. They have prepared a building with all the interior amenities, a lot of common spaces, a kitchen area, and memory care as well as assisted living. He stated he appreciates his clients group because he was allowed to design something with a high square footage space. Chairman Cashin asked if Mr. Hammon was aware of the JUC and Staff comments. Mr. Hammon stated yes and he was also able to attend the JUC meeting when they were making the comments. He commended staff including Toni Foran, Mike Vercimak and Arthur LeBaron for being very helpful and great to work with. Mr. Petersen stated the plan shows two phases so hopefully by the time they build the second phase, the market would be better. He stated he likes this site because there is enough acreage to have Phase 1 for assisted living but Phase 2 for more independent living, giving them multiple products on the same site. He stated the building will be very attractive. Mr. Petersen commented it is a great fit by the IHC.

Chairman Cashin stated in Phase 1 there is no pedestrian access. Ms. Foran explained where it would be needed. Different options for access were discussed. Yovonda Hall asked if the property between this development and

IHC would be developed at the same time. Mr. Hammon stated they are not involved with the owners of the neighboring property so he is unsure. Paul Farthing asked if the applicant had received any comments from the Fire Marshall. Mr. Hammon stated he was at the JUC meeting and they do know it will need to go through the State Fire Marshall. *Bob Petersen motioned to approve application 2015-PSP-05 subject to JUC and staff comments; 1. Power will have to be extended from SR9 and 2000 West. 2. Separate sewer lines from kitchen and laundry facilities must enter grease trap before main sewer lateral. 3. State Fire Marshall will be responsible for Fire review. 4. 2170 West realignment must be completed before final site plan. 5. Gas dead ends on 100 North and must be extended to serve building. 6. Drainage plan will be required. 7. 8' waterway will be required at driveway entrances. 8. Trip generation study will be required by engineering department. 9. East driveway is located 175'7" from centerline of 2170 West, a minor collector. Minimum distance in City access management codes for full movement is 250'. Consultation with engineering department is required. 10. This is a two phase project with a 38,600 square foot building containing 41 units – 34 single bed and 7 two bed rooms shown with patio areas on each unit in Phase 1 and 9 duplex units and a single unit of 1015 square feet each in Phase 2. 11. The applicants are to be commended for providing extensive landscaping and recreation facilities on the site though it appears access to the recreation facilities requires the residents of Phase 1 to negotiate steps which would seem to be unusual for this type of facility. 12. Pedestrian access from 100 North and 2170 West is not provided for Phase 1. The only access to the site is via motor vehicle. 13. A landscaped area between the driveways is provided as required in the Land Use Code development standards for driveways in new development. 14. The parking lot for Phase 1 shows 14 parking spaces. Land Use codes require 10 spaces. Phase 2 shows 2 parking spaces per dwelling unit as required. 15. The design shows sidewalks separated from the curb by a landscape strip, which is required along 2170 West and provides a safer pedestrian facility on 100 North. This is a desirable design feature. 16. The detention area described in the lot coverage summary must be landscaped to include trees and shrubs. 17. This project is a well-planned, attractive addition to the Hurricane City. Bill Wilkey seconded the motion. The vote was as follows; Ralph Ballard-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Bill Wilkey-Aye, Yovonda Hall-Aye, and Bob Petersen-Aye. Yovonda Hall mentioned a final site plan is still required.*

**2015-CUP-15 Consideration and possible approval of a Conditional Use Permit to keep 5 horses on approximately 24 acres of vacant R-1-10 land located south of Scenic Point Subdivision – DDB Utah/Dennis Back applicant**

Dennis Back stated they have 24 acres that had platted for phase 2 of Scenic Pointe but the market isn't there yet to start development. He explained they are having problems with ATV's and people dumping garage on the property. He would like to fence the property to put horses on it and then they can get it in Green Belt. Bob Petersen asked if the market picked up would they continue with the second phase of Scenic Pointe. Toni Foran stated the preliminary plat for phase 2 has expired so they would have to re-apply. Chairman Cashin mentioned a comment from staff meeting is there is a concern of the placement of the fence. He stated some staff think the fence should be 50' away from any houses. Mr. Back explained there will be a corral at the back of the property for the horses but they would like to keep the fence at 10' from the existing lots in order to keep the ATV's out. He stated the horses would be kept in the corrals unless they are being ridden. Ralph Ballard stated areas that are grazed reduce fire danger. He mentioned to watch oleander plants on neighboring properties so the horses don't accidentally eat them. Mr. Ballard stated the smell would be worse in a corral than it would be over the whole 24 acres. He asked where the fly control would be located. Mr. Back stated in the back of the property by the corrals. Chairman Cashin stated the standard setback is 20 feet for the back yard. He questioned if they should stay with the requested 10 feet or the standard 20 feet. Yovonda Hall asked if the Planning Commission had the ability to tell the applicant where the fence had to be located. Chairman Cashin explained normally they couldn't but since this is a conditional use permit that can be one of the conditions. Ms. Hall pointed out his main reason for fencing is to prevent intrusion on the property so having the fence further than 10 feet would defeat that purpose. Ms. Foran stated the application wasn't clear that corrals would be on the property so if

there is going to be corrals then it needs to be clarified where they will be located. Mr. Back stated they don't have water on the property so it didn't make sense to let the horses roam. They will bring in feed and water daily. He drew on the map where the corrals would be located. Ms. Foran stated if the horses aren't loose then the location of the fence isn't as important. Chairman Cashin suggested requiring the corral be in the south four acres as part of the conditional use. Ms. Hall asked if this would be a timed conditional use. Ms. Foran stated they could put in the motion that it becomes void once the second phase is developed. *Yovonda Hall motioned to approve application 2015-CUP-15 based on the following findings; 1. The proposed use is in keeping with the General Plan and Land Use Code. 2. The use will not have negative effects on surrounding properties if fencing creates a buffer area between this use and existing residential properties. 3. The use can be managed to have no negative effects on health, safety, and welfare of the community. 4. The proposed use will be in harmony with all the rural properties to the east and south. Approval is subject to the following conditions; 1. Corral must be located no less than 150' from the surrounding homes. 2. The use is no longer allowed when the property is platted for single family residential use. 3. Good fencing and fly traps are used. 4. Limit of five (5) horses permitted. Paul Farthing seconded the motion. The vote was as follows; Ralph Ballard-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Bill Wilkey-Aye, Yovonda Hall-Aye, and Bob Petersen-Aye.*

#### **Discussion Item**

Toni Foran explained Jay Crosby had proposed a pallet business on his storage property but he would like permission for more use than just storage. Jay Crosby stated he was at the September meeting to get permission for the pallet business on his property. He introduced his client, Travis Jones, who is the owner of Jones Custom Pallets. He stated Mr. Jones desires to have electric service on the property. Mr. Crosby explained he has several buildings adjacent to the fenced area and one of the clients will split power with this business. He stated if he receives permission from the City then he will pay the connection fees and run 150 amps to the shed. He passed out pictures showing the proposed location. He commented he knows the building is supposed to be enclosed for manufacturing but his client does a limited amount of manufacturing. He explained his client doesn't manufacture pallets, he buys pallets and refurbishes them. All manufacturing would be done under the shed area. Ms. Foran asked if the business resized the pallets. Travis Jones stated they do not resize them, they break them down to reuse parts on other pallets. Mr. Crosby stated the photos show a load of pallets that have been refurbished and are going to market. He explained Mr. Jones currently rents in a different location but he needs more space. He stated he thinks this is a good fit if power can be approved. Ms. Foran stated the approval isn't about power, it is how much use the Planning Commission wants to approve on that property without an amended site plan. She stated manufacturing requires an enclosed building but it is up to Commissioners to decide if it is manufacturing or not. Ms. Foran stated she had Mr. Crosby come to see if the Commissioners would require a new site plan or if they can move forward with this added use.

Chairman Cashin explained the original approval for this property was for the sand blasting business. The conex box was where the first step of a process would be and then the product would be finished inside one of the buildings. He stated this property is no longer associated to the building so the question is should it remain storage only. Paul Farthing stated if the business was located inside the building it would look clean from the outside but with it being outside it could look very unorganized after a few months. Mr. Crosby stated he has worked with Mr. Jones for a few years and he knows he would take care of the property. He stated he wouldn't rent to someone that would let it look trashy. Chairman Cashin stated he has mixed feelings; a few repairs is different than building something new. Mr. Ballard stated his concern is with the amount of activity they are proposing, it would stir up a lot of dust. Mr. Crosby clarified it is gravel not dirt. Mr. Ballard questioned if it should require a hard surface under the conex building. Mr. Jones stated they would like to do concrete under the shed. Chairman Cashin stated there is high wind in this area and this will create issues with debris. He questioned if it would be a fire hazard having all the pallets stacked. Mr. Jones stated they work closely with the Fire Marshall. Mr. Crosby explained the original proposal for Black Ridge Coating on this property was to tarp off the one side of the conex building to control dust. They are willing to do the same for this business. Bob Petersen stated

repairing and storing pallets is not that much of a deviated use. Mr. Ballard asked if there would be lighting in the shed. Mr. Jones stated there would be a few lights, a saw and a compressor. He stated his current business license states recycling and repairing pallets. Mr. Ballard stated he thinks there should be a wall on one side. Chairman Cashin stated the Commissioners need to decide if a site plan is needed or if they can continue with what they are doing. Ms. Hall commented it is more than storage but less than manufacturing. Mr. Ballard stated it will create less debris than the sand blasting that was previously proposed. Ms. Hall asked if adding the power would change the site plan. Ms. Foran stated she doesn't remember the building permit being pulled but she doesn't think any impacts fees have been paid or a site plan for industrial use. It has always just been a fenced storage area. Chairman Cashin stated if they are putting utilities to the property it becomes a separate application. Ms. Hall asked if electricity can be put in a structure that isn't enclosed. Ms. Foran stated that is something the fire department would have to approve. Commissioners decided a site plan would need to be provided showing access, utilities, parking, landscaping, and the building structure.

**Approval of minutes:** Paul Farthing motioned to approve September 23 and October 8, 2015 minutes as presented. Bob Petersen seconded the motion. *The vote was as follows; Ralph Ballard-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Bill Wilkey-Aye, Yovonda Hall-Aye, and Bob Petersen-Aye.*

#### **Commission Work Session:**

##### **1. Review of Residential Hosting and Bed and Breakfast Ordinance rewrite**

Ryan stated an update of the Residential Hosting and Bed and Breakfast ordinance was in the packet. Toni stated Brian Sanderson handed out sections of Park City's business license code regarding vacation rentals. She mentioned he wants Hurricane to follow what they are doing. She stated she researched their Land Use Code because it is more relevant to what they are discussing than business licensing and she wanted to make a few points. Park City doesn't allow residential hosting in single family zones. She pointed out how expensive it is to live in Park City because of all the commercial uses. She stated they are a completely different atmosphere than Hurricane. She explained Park City has accessory apartments, nightly rentals, and guest houses. They allow lock out units, which have no kitchen, rental is conditional and it is not permitted in the recreational open space, protected open space and the single family, and light industrial zones. Toni stated guest houses are also conditional use and they can't be any larger than a third of the main building or no full kitchens. She stated they can review Park City's ordinance or move forward with what they have. Ryan stated Hurricane is not the same as Park City or Kanab and Park City is very restrictive. Commissioners decided to move forward.

Toni stated Commissioners had talked about requiring some parking standards. Starting on page 2, Toni stated the section under *10-15-3: Conformity with standards and business license required* is language taken from the vacation rental ordinance. She stated the Fire Chief clarified it is not 10 guests, it is total occupancy in the house so she made that more clear. She stated they also wanted maximum occupancy posted in the guest rooms. Ralph asked if it was occupancy for the whole house or each room. Toni stated it is the maximum occupancy for the guest rooms. Toni explained it needs to be posted in each room so the guests know how many people they are allowed to have per room. Ralph asked if total occupancy should be posted in all rooms as well. Ryan stated they could both be done on one sign. Ryan stated the owner needs to know but the renter doesn't care. Toni stated they should have it on the application so the owner is aware of the requirement. Commissioners decided to clarify for each room and total occupancy. Toni stated parking is addressed on page 3. She explained she did a random idea of what was previously discussed for the Commissioners to review. She stated the current ordinance doesn't allow them to approve tandem parking as part of a home based business but only for multifamily units with garages. She explained the Parking Chapter requires 3 parking spaces for the owner and 1 per guest but the Bed and Breakfast chapter says 2 for owner and 1 per guest. It needs to be changed so they match. She mentioned if tandem parking is allowed, then it will have to be changed in the parking chapter. Ryan stated it happens whether it is allowed or not. Toni stated it happens in residential but the Commissioners need to decide if it should be allowed for commercial as well. Yovonda stated if someone wants to make money off

their house they should have to meet the requirements and provide parking. Toni stated an applicant would have to bring in a site plan with the application to make sure they meet the requirements. Ryan stated one tandem space is fine but it would be a problem if multiple tandem parking spaces were allowed. Toni stated it would only become a problem if someone wants to rent multiple rooms. Ryan stated he would like tandem parking for one spot only. Yovonda asked if #6 *Landscaping is required between parking and adjoining residential properties*, is to prevent someone from putting concrete right to the property line. Commissioners discussed if it should be allowed to do all concrete next to the garage or if a buffer zone between properties needed to be place. Ralph stated it would look cleaner with having concrete to the property line. Ryan stated he can see requiring some sort of barrier between properties so people aren't parking on their neighbors' lots. Commissioners agreed landscaping, fence or another barrier should be required.

Toni stated those were the only changes from last meeting. Yovonda asked if it had been decided what zones they would be allowed in. Toni stated that still needs to be determined. She stated it will be a permitted use so she asked if it should be in the zones that are currently conditional use or should it be expanded to all single family zones. Pam Humphries asked why they wanted to change it from conditional to permitted. Paul stated there can be so many site specific issues so it might be better to have them as a conditional use. Toni stated the development standards were created so owners can just apply for a business license, not a conditional use permit. Ryan stated a conditional use goes with the land but a business license is only to the person and is nontransferable. Toni explained it is like a home based business license. If they cannot meet the standards, then they can't get a license. Pam stated if it was a conditional use you could add more conditions to the property if it had issues that needed to be addressed. Ryan stated his question is what zones is it appropriate for them to be allowed. He stated it is easier to control by development conditions that have to be met. Bob stated the standards are pretty restrictive. Yovonda stated there are a lot of homes in the area that could license for residential hosting and it would increase the density all over the City. She commented they did not make a requirement for the residential hosting house to be so far away from another house that is doing residential hosting. Bob stated it will be regulated by supply and demand. Not everyone will be able to do it. Pam stated she wanted to hear the Planning Commissions thinking on how they wrote the ordinance so she understood it before it came to the City Council. Yovonda stated she thinks it should only be permitted in the zones that currently allow it by conditional use permit. Ralph pointed out that wouldn't help the Adams. Toni suggested allowing it to R1-8 like whole house vacation rentals. Yovonda asked if it was a possibility to get rid of whole house vacation rentals since residential hosting is now allowed. Toni stated she is unsure of what the City wants and that is what needs to be decided; do they want a family friendly neighborhood or a vacation mecca, which would make it too expensive to live here. Bill asked if there was a community that has allowed both types of rentals and been successful. Ryan stated he thinks R1-8 is good but anything smaller is not appropriate. Ralph asked what the smallest zone is that the standards would apply to. Toni stated it seems to her R1-8 would be the smallest. Paul agreed R1-8 or larger. Bill asked what the underlying zone in the Retreat is. Toni stated R1-8. Bill agreed that is the smallest zone where it should be allowed. Cindy asked if it would be allowed in PDO. Toni stated the uses in a PDO are what is approved with the development. Ralph asked if it should be determined by if they can meet the criteria and not the zone. Bob stated they have to draw a line somewhere. Yovonda stated that would increase work for staff. Bob stated everything is based on zones. Ryan stated he doesn't want to exclude anyone that can meet the standards just because they aren't in the right zone. Ralph stated he thought that is why the Commissioners came up with the standards so all single family residences would be able to do a rental if they could meet the standards. Paul stated it is hard to base the guidelines on exceptions. Pam mentioned it can be amended again if it isn't working by zones. Yovonda stated her concern is the people that get licenses when it is passed the first time are vested. It was decided to move forward with allowing residential hosting in R1-8 and above.

**2. Continued discussion regarding whole house vacation rentals.** Ryan mentioned the City Attorney is still reviewing the section on penalties but he will have it to the Commissioners by their next meeting. Toni handed

out a draft ordinance showing the changes the Commissioners had discussed. Yovonda asked about #1; The dwelling unit is located in an existing single-family dwelling. Portions of a single family dwelling may not be used as a short term rental unless licensed as a bed and breakfast or residential hosting facility. A short term rental and a bed and breakfast or residential hosting facility may not be located in the same single family dwelling. Toni stated it is clarifying whole house rentals and residential hosting are separate items and people can only do one or the other. She stated #2 is saying the owner can only have one vacation rental within the City; however, she doesn't know how it will work because owners could use a different LLC for each rental.

Toni referenced maps that show the different distances of 250, 500, and 1,000' between each rentals. Ryan stated he went and measured distances in Dixie Springs. He thinks 1,000' is too much but 250' doesn't seem quite enough. Bob commented by looking at the maps, he thinks 500' looks compatible. Ralph asked how the feet compared to lots. Toni stated she reviewed the maps with Darin Larson and 1000' was about 10 lots. Toni stated when she took it to an administrative staff meeting the Fire Chief, City Manager, and the Public Works Director thought 1000' is best or it would severely impact neighborhoods. Yovonda stated they are essentially a mini hotel and 1000' is close for a hotel. Toni stated even though Fay wrote the enforcement section, there is no one to enforce them. She stated there are no plans for a code enforcer to be hired and the police do not want to enforce vacation rental regulations.

Toni stated she highlighted the section regarding notifying the neighbors in blue so they could discuss if it is necessary. She asked, "Why tell the neighbors if there is no one to enforce and we don't want the neighbors to enforce." Ryan stated he is in favor of 500' but without a code enforcer it needs to be more restrictive.

Commissioners discussed how many would be allowed in the City if 1000' was the requirement. Toni stated the intent of the letter was to tell the neighbors to be the enforcer of the vacation rental. She asked the Commissioners if that is what they want. She mentioned a letter isn't required for a home based business.

Yovonda stated there is no benefit of allowing more rentals without enforcement in place. She stated they are still asking the neighbors to be the enforcers even if a letter isn't sent. Ryan stated the first call would go to police even if a code enforcer was in place. He stated the more they can take the burden off the police, the better it will be until a code enforcer is put into place. He mentioned the distance limit can be changed if it doesn't work.

Toni read purpose statement; *Separation requirements listed in C below are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single family residential zones to promote safe locations for residential uses.* Yovonda stated the goal is to have a town for residents to live in not to promote single use vacation opportunities. She stated they want businesses here but vacation rentals isn't the only business to promote. Commissioners decided to put the 1000' minimum and remove the requirement to send letters to the neighbors.

It was discussed recommending the vacation rental ordinance be repealed. Bob stated the City Council representative expressed the desire from the City Council to allow vacation rentals. Ralph stated they were asked to give direction and that is what they should do. Ryan suggested sending it with the changes but expressing to the City Council they are open to any changes. Pam stated it changes the dynamics of the town and the neighborhoods. Having it only in allowed areas or subdivisions with an agreement was discussed. Yovonda stated allowing vacation rentals is putting commercial use in a residential zone without an owner present. Ryan suggested moving on with the 1000' requirement to City Council. Toni stated she added parking on the street to violations. #2 "disturbing the peace" is not defined under criminal law so she added a few things as examples. Maximum occupancy was added. Ralph asked if there was a noise ordinance. Toni stated yes the noise ordinance limits noise violations to after 10 p.m. so the pool time in the vacation rental doesn't match. Commissioners decided to match noise ordinance with a 10 p.m. to 6 a.m. limit. Toni explained #2 is only examples of what could be disturbing the peace. #4 is clarifying the pets. H is the maximum occupancy. Next is the criminal penalties Fay wrote in. Toni stated the last part in blue will have to be clarified with Fay if the penalties go with all transient lodging. Ralph asked how many complaints a hotel receives. Toni stated she is unsure because complaints would go through the police. Pam stated maybe three complaints a year. Ralph suggested not having the penalties with all transient lodging if the hotels don't receive a lot of complaints. Ryan stated Fay told him he will get things



together by next meeting. He stated the Planning Commission may have to do a special meeting to get this ordinance done for City Council before the moratorium is over.

A citizen asked if public hearing would be held. Toni stated a public hearing is not required for a business license ordinance change, only Land Use Code changes. Ryan stated residential hosting will require a public hearing but the whole house rental wouldn't require it. Yovonda stated the Commissioners just finalized all the changes they wanted. Ryan stated they still needed the section from Fay. Toni stated Fay can forward his section to the City Council separately and the Commissioners can send what they discussed tonight because it doesn't require a public hearing to forward. Commissioners agreed to forward to City Council with the changes discussed tonight. Pam asked if the Commissioners decided to not use Washington's suggestion of getting neighbors approval before a vacation rental can receive a license. Yovonda stated she brought it up but it would be too hard to verify signatures. Toni stated Washington requires signatures to be notarized. Ralph stated it makes it hard but doable. Ryan stated he thinks they should leave it how it is and send it to the City Council. Toni stated she will ask the City Council if they want to hold a public hearing or have the Planning Commission hold a hearing. *Bob Petersen motioned to send the ordinance to the City Council unless they want the Planning Commission to hold a public hearing. Paul Farthing seconded the motion. The vote was as follows; Ralph Ballard-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Bill Wilkey-Aye, Yovonda Hall-Aye, and Bob Petersen-Aye.*

Toni stated there will be a public hearing for residential hosting the first meeting in November.

**Meeting adjourned at 9:10**